

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON**

**KC TRANSPORT, INC.
d/b/a KC TRANSPORT OF WEST
VIRGINIA, INC., LYNN COMPTON
and EDDIE COMPTON,**

Plaintiffs

v.

**Civil Action No. 2:18-cv-00005
Chief Judge Thomas E. Johnston**

**LM INSURANCE CORPORATION;
BB&T INSURANCE SERVICES, INC.;
and SELECTIVE INSURANCE COMPANY
OF AMERICA;**

Defendants.

JOINT AGREED ORDER OF DISMISSAL

This matter came before the Court upon BB&T Insurance Services, Inc.’s (“BB&T”) Motion to Reconsider (ECF No. 223), regarding this Court’s Memorandum Opinion and Order (ECF No. 222). In its Memorandum Opinion and Order, this Court held that BB&T owed no duty to Plaintiffs under Virginia tort or contract law, but declined to address the continued viability of Plaintiffs’ counts for “Estoppel,” and “Reasonable Expectation,” as those Counts were not expressly addressed by the parties in their briefs.

Plaintiffs have now advised BB&T that they agree to voluntarily dismiss their remaining counts for “Estoppel,” and “Reasonable Expectation.” Therefore, by this Joint Agreed Order of Dismissal, Plaintiffs and BB&T have and do jointly inform the Court of this agreement, and move that the Court dismiss this action in its entirety, with prejudice.

For good cause shown, and there being no objection thereto, it is hereby ORDERED that the claims remaining, and all claims asserted against BB&T in this matter, are hereby DISMISSED, WITH PREJUDICE, with each party to bear its own costs. BB&T is hereby

DISMISSED, WITH PREJUDICE, and this action is hereby removed from the Court's docket and placed among actions ended.

The Clerk is directed to enter this Order and to send attested copies to all counsel of record.

ENTER: February 26, 2021


THOMAS E. JOHNSTON, CHIEF JUDGE

Prepared By:

/s/ Susan R. Snowden
Susan R. Snowden (WVSB #3644)
310 West Burke Street
Martinsburg, WV 25401
Tel: (304) 260-4947
Fax: (304) 263-7110
susan.snowden@jacksonkelly.com
Counsel for BB&T Insurance Services, Inc.

Reviewed and Approved By:

/s/ Amanda J. Taylor
Stephen P. New (WVSB# 7756)
Amanda J. Taylor (WVSB# 11635)
THE LAW OFFICE OF STEPHEN P. NEW
114 Main Street
P. O. Box 5516
Beckley, WV 25801

And

S. Douglas Adkins (WVSB# 80)
CYRUS, ADKINS, & WALKER
636 Fourth Avenue, Floor 1,
Huntington, West Virginia 25701
Counsel for Plaintiffs